

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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Insured Advocacy Group, LLC,

Plaintiff,

-v-

Spartan Services Corp.,

Defendant.  
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23-cv-07212 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff moves to strike the jury demand. Dkt. No. 50. Defendant opposes the motion. Dkt. No. 56. The motion and the opposition presume that Texas law governs the effectiveness and scope of the jury trial waiver. However, the Second Circuit has held that “[w]hen asserted in federal court, the right to a jury trial is governed by federal law.” *Merrill Lynch & Co. Inc. v. Allegheny Energy, Inc.*, 500 F.3d 171, 188 (2d Cir. 2007); *see also Mazzocchi v. Windsor Owners Corp.*, 2022 WL 16840273, at \*1 (S.D.N.Y. Oct. 5, 2022); *Trez Capital (Florida) Corp. v. Noroton Heights & Co., LLC*, 2022 WL 2437905, at \*2 (S.D.N.Y. July 5, 2022). Accordingly, the parties are invited to submit supplemental briefs addressing the effectiveness of the jury trial waiver under federal law as it has been interpreted and applied in the Second Circuit, as well as the interpretation of the scope of the waiver under federal and/or Texas law. Supplemental briefs limited to ten double-spaced pages shall be filed by November 22, 2024 at 5:00 p.m. Reply briefs limited to three double-spaced pages may be filed by no later than November 25, 2024 at 5:00 p.m.

SO ORDERED.

Dated: November 15, 2024  
New York, New York

LEWIS J. LIMAN  
United States District Judge